

SMALL CLAIMS COMPLAINT

Plaintiff _____

Address _____

City _____ State _____

Zip _____

Telephone _____

Plaintiff,

AGAINST

Defendant 1 _____

Defendant 2 _____

Address _____

City _____ State _____

Zip _____

Telephone _____

Defendant(s).

HAMILTON SUPERIOR COURT NO. 4

One Hamilton County Square, Suite 292

Noblesville, Indiana 46060-2231

Telephone No. (317) 776-9612

CAUSE NO. 29D04-_____ -SC-_____

Attorney (optional) _____

Address _____

City _____ State _____

Zip _____

Telephone _____

Attorney No. _____

Requested Service by:

☐ **Sheriff of _____ County**

☐ **Certified Mail**

CLERK'S NOTICE OF CLAIM TO DEFENDANT

You (the Defendant) have been sued by the Plaintiff whose name appears above. You must appear in Hamilton Superior Court No.4 in person or by your attorney on _____ for a hearing. The Plaintiff may be given default judgment against you if you fail to appear. The Plaintiff's Claim is for:

☐ Account or Note (copy attached) ☐ Rent (copy of lease attached) ☐ Wages

☐ Contract (copy attached) ☐ Other (specify) _____.

A brief statement of the nature of the Plaintiff's claim against you is as follows:

_____.

The Plaintiff demands judgment against the Defendant for \$_____, plus interest from _____, 200__ (date), at the rate of _____%, and the Court costs of this action.

Dated: _____, 200__

Signature of Plaintiff (or attorney)

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Litigant's Handbook is available at the offices of the Clerk or Court for each party's benefit. The Plaintiff and Defendant should bring to trial all documents in their possession or under their control concerning this claim. The Court usually does NOT conduct a contested trial on the first hearing date, unless the hearing is for an eviction.

2. A default judgment may be entered against the Defendant if he or she fails to appear for the first hearing or trial, and if the Plaintiff fails to appear, the case will be dismissed (but may be refiled once more).

3. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant still may wish to appear to allow the Court to establish the method for paying the judgment.

4. Any request for a continuance of the first hearing or trial date by either party should be filed with the Court at least 5 days before the hearing date. Forms requesting a continuance are available at the Court's office. The party requesting a continuance must contact the other party regarding the request.

5. If the Defendant wishes to file a Counterclaim against the Plaintiff, the Defendant must file the Counterclaim with the Clerk and provide the Plaintiff with a copy of it at least 7 calendar days before the trial.

6. If a settlement of this claim is made out of Court, it should be in writing and signed by the Plaintiff and Defendant. Settlement forms are available at the Court's office. The settlement shall be filed with the Court and will be entered in the Small Claims Docket and shall have the same effect as a judgment of the Court.

7. The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may, no later than 10 days following service of the Notice of Claim, make a demand for a trial by jury in writing, specifying that the demand is made in good faith, and supplying the affidavit required by Indiana Code 33-5-2-7. Once a jury trial request has been granted, it may not be withdrawn without consent of both parties. Both parties should then obtain attorneys. The Defendant must pay a \$70 fee at the Clerk's office within 10 days after the jury request has been granted; otherwise, the Defendant gives up the right to a jury trial.

SHERIFF'S RETURN OF NOTICE OF CLAIM

I hereby certify that on the below date:

_____ I served this Notice of Claim by delivering a copy to the Defendant.

_____ I served this Notice of Claim by leaving a copy:

_____ at the dwelling or usual place of abode of Defendant;

_____ with a person of suitable age and discretion residing therein, namely _____;

_____ and by mailing a copy of the Notice of Claim to the Defendant, by first class mail, to the address listed on the Notice of Claim (date copy mailed if different from below: _____, _____).

_____ I was unable to serve this Notice of Claim because _____.

Dated: _____, 200__.

Sheriff of Hamilton/_____ County

By: _____

